

## Notice of Allowability

Application No.

09/867,973

Examiner

Peter A. Hruskoci

Applicant(s)

ROHRBACH ET AL.

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1724

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the papers filed 3/21/07.
2. ☒ The allowed claim(s) is/are 1, 2, 4, 5, 7, 8, 10, 13, 14, and 16-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                                 |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|  | 9. <input type="checkbox"/> Other _____.  |

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An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mary E. Golata on 6/13/07.

The application has been amended as follows:

In claim 1 last line before “.” - , and wherein the particles further comprise a polymeric binder selected from the group consisting of polyamides, polyimides, polyesters, polyolefins, polysulfones, and mixtures thereof, and the particles are a product of a process comprising the steps of : providing the polymeric binder in a finely divided form; mixing the polymeric binder with the additive in a liquid solvent; forming the mixture of the binder and additive into particles; and removing the solvent from the particles by evaporation – has been inserted.

Claims 3, 6, 9, and 15 have been canceled.

In claim 7 line 17 before “,” – and a polymeric binder – has been inserted; and in the last line before “.” - , and wherein said polymeric binder selected from the group consisting of polyamides, polyimides, polyesters, polyolefins, polysulfones, and mixtures thereof, and the particles are a product of a process comprising the steps of : providing the polymeric binder in a finely divided form; mixing the polymeric binder with the additive in a liquid solvent; forming the mixture of the binder and additive into particles; and removing the solvent from the particles by evaporation – has been inserted.

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In claim 13 line 17 after “additive” – and a polymeric binder – has been inserted; and in the last line before “.” - , and wherein said polymeric binder is selected from the group consisting of polyamides, polyimides, polyesters, polyolefins, polysulfones, and mixtures thereof, and the particles are a product of a process comprising the steps of : providing the polymeric binder in a finely divided form; mixing the polymeric binder with the additive in a liquid solvent; forming the mixture of the binder and additive into particles; and removing the solvent from the particles by evaporation – has been inserted.

In claim 18 last line before “.” - , and wherein the particles further comprise a polymeric binder selected from the group consisting of polyamides, polyimides, polyesters, polyolefins, polysulfones, and mixtures thereof, and the particles are a product of a process comprising the steps of : providing the polymeric binder in a finely divided form; mixing the polymeric binder with the additive in a liquid solvent; forming the mixture of the binder and additive into particles; and removing the solvent from the particles by evaporation – has been inserted.

In the specification on page 1 line 9 after “2000,” – now abandoned, - has been inserted; and in line 10 after “,” – now US Patent 6,379,564, - has been inserted.

The following is an examiner’s statement of reasons for allowance: The primary reason for allowance of the claims is the recitation of a oil filter comprising a chemically active member comprising or consisting essentially of particles and binder, wherein the particles are a product of the specific process, in combination with the other structure of the oil filter, respectively. This combination is not taught nor suggested by the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue


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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter A. Hruskoci whose telephone number is (571) 272-1160. The examiner can normally be reached on Monday through Friday from 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Peter A. Hruskoci  
Primary Examiner  
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6/13/07